

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
)  
NORTH COUNTY COMMUNICATIONS )  
CORPORATION OF ILLINOIS, ) No. 08-0003  
Application for a certificate of )  
local and interexchange authority )  
to operate as a reseller and )  
facilities-based carrier of )  
telecommunications services in )  
the state of Illinois.

Chicago, Illinois  
February 28, 2008

Met pursuant to notice at 11:00 a.m.

BEFORE:  
Eve Moran, Administrative Law Judge.

APPEARANCES:

KLEIN, ZELMAN, ROTHERMEL, by  
MR. DAVID O. KLEIN (TELEPHONICALLY)  
485 Madison Avenue  
New York, NY 10022  
Appearing on behalf of the Applicant;

MR. A. OLUSANJO OMONIYI  
160 North LaSalle Street, Suite C-800  
Chicago, IL 60601  
Appearing for the Staff of the ICC.

SULLIVAN REPORTING COMPANY, by  
Kerry L. Knapp, CSR

I N D E X

Witnesses:

Direct

Cross

Re-  
direct

Re-  
cross

By  
Examiner

None had

E X H I B I T S

Number

For Identification

## In Evidence

None marked

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1 JUDGE MORAN: Okay. I can call the case now.

2 Pursuant to the direction of the Illinois  
3 Commerce Commission, I call Docket 08-0003, this is a  
4 North County Communications Corporation of Illinois.  
5 It is an application for a certificate of local and  
6 interexchange authority to operate as a reseller and  
7 facilities-based carrier of telecommunications  
8 services in the state of Illinois.

9 May I have the appearances, please. I  
10 believe I have appearances here by telephone.

11 MR. KLEIN: Yes. This is David Klein of the firm  
12 of Klein, Zelman, Rothermel appearing on behalf of  
13 the Applicant, North County Communications  
14 Corporation of Illinois.

15 JUDGE MORAN: And your address, please.

16 MR. KLEIN: My address is 485 Madison Avenue,  
17 New York, New York 10022.

18 JUDGE MORAN: And telephone number?

19 MR. KLEIN: (212) 935-6020.

20 JUDGE MORAN: Who is with you, Mr. Klein?

21 MR. KLEIN: Just myself.

22 JUDGE MORAN: You don't -- are you an officer for

1 the Applicant?

2 MR. KLEIN: No. Just counsel. I was told that I  
3 could appear on behalf of the Applicant.

4 JUDGE MORAN: Oh. You're appearing on behalf of  
5 the Applicant. I get it. Okay. Thank you.

6 MR. OMONIYI: A. Olusanjo Omoniyi for Staff, ICC  
7 Staff. My address is 160 North LaSalle, Chicago,  
8 60601.

9 JUDGE MORAN: Okay. I was a little confused,  
10 Mr. Klein, because I thought you were appearing on  
11 behalf of the client and not in place of the client.

12 MR. KLEIN: Well, to be frank, I didn't know that  
13 someone needed to be here from the company itself;  
14 but I am authorized to speak for them, if need be.

15 JUDGE MORAN: Okay. The problem with that is --  
16 okay. Well, let me see how we're going to go through  
17 this.

18 MR. KLEIN: If there are any questions I can't  
19 answer, I can certainly communicate them to the  
20 principals and get back to you timely.

21 JUDGE MORAN: Okay.

22 Now, the Applicant here is North County.

1 North County wants three types of authority. It  
2 wants Section 13-403 facilities-based interexchange  
3 authority, 13-404 resale of local and/or  
4 interexchange authority, and 13-405 facilities-based  
5 local authority. Am I correct?

6 MR. KLEIN: Yes.

7 JUDGE MORAN: Okay. And you're not seeking any  
8 waivers?

9 MR. KLEIN: No. The only waiver that we are  
10 seeking is to keep our books and records in the state  
11 of Illinois. We request that we keep our books and  
12 records in the state of California and we will  
13 maintain them in accordance with GAP.

14 JUDGE MORAN: Okay. And the -- usually, this  
15 Commission allows books and records to be kept in  
16 another state on the condition that should the  
17 Commission Staff need those books and records, that  
18 the Applicant would bring them into the state of  
19 Illinois at its own expense.

20 MR. KLEIN: If need be, we will.

21 JUDGE MORAN: Okay. I'm going through the  
22 application. And I believe you have that in front of

1       you, Mr. Klein?

2               MR. KLEIN:   Yes, I do.

3               JUDGE MORAN:   It states Question No. 7 on Page 2

4       that North County Communications is a corporation and

5       that it was formed on October 12th, '06; am I

6       correct?

7               MR. KLEIN:   Hold on because it's stating it was

8       formed in Illinois, which is incorrect.

9               JUDGE MORAN:   That was going to be my next

10       question.

11              MR. KLEIN:   It has foreign business authorization

12       in Illinois, but it is a California corporation.

13              JUDGE MORAN:   That is what I thought because that

14       seemed to be in conflict with your Exhibit 2.

15              MR. KLEIN:   Right.   That was a mistake.   I

16       apologize for that.

17              JUDGE MORAN:   You don't have to apologize.   What

18       you have to do is move to amend that part of the

19       application to substitute "California" in place of

20       "Illinois."

21              MR. KLEIN:   Okay.   We'll do that.

22              JUDGE MORAN:   So you are moving.   And there's no

1 objection to that?

2 MR. OMONIYI: No objection.

3 MR. KLEIN: The date is otherwise correct.

4 JUDGE MORAN: Okay. Thank you.

5 MR. KLEIN: Thank you.

6 JUDGE MORAN: And I see here that you have  
7 attached to the application, which is the standard  
8 Commission application, your membership obligation  
9 agreement for the Illinois Telecommunications Access  
10 Corporation; also Exhibit 1, which is your designated  
11 contact persons.

12 And you are listed as the main contact for  
13 the application. It also appears the name of Mr. Tod  
14 Lesser, president of the corporation. And what can  
15 you tell me about Mr. Lesser?

16 MR. KLEIN: He's the president and principal of  
17 the company. His company, North County  
18 Communications, is licensed as a local provider;  
19 typically, a CLEC in a variety of the states  
20 throughout the union.

21 He's been in business for at least  
22 seven years now. And he's been one of the few

1       successful CLECs that's been able to make it in  
2       competition with the ILECs.

3           JUDGE MORAN:   Okay.   He's a local provider where,  
4       in what states?

5           MR. KLEIN:   I don't have the list in front of me,  
6       but I can tell you that I know Massachusetts,  
7       New York, New Jersey.   He was licensed through North  
8       County Communications Corporation, not of Illinois,  
9       but his other corporation in the state of Illinois.

10           He was granted authority on April 11th,  
11       2001.   We had previously made an application to  
12       transfer that certificate and were told that we could  
13       not do that.   And that's the reason for the present  
14       proceeding.

15           JUDGE MORAN:   I see.   Okay.

16           And the summaries of all the key personnel  
17       are included in Exhibit 3; am I correct.

18           MR. KLEIN:   Yes.

19           JUDGE MORAN:   Okay.   Exhibit 4 are your financial  
20       documents.   Exhibit 5 are your chart of accounts.  
21       And what is Exhibit 2 that I seem to be missing?   Oh,  
22       here it is.   That's the Articles of Incorporation and



1 Certificate of Authority, which we've already  
2 discussed.

3 MR. KLEIN: Yes. I apologize for not mentioning,  
4 you know, why we're here. Again, it was the attempt  
5 to transfer and we were told that we couldn't do  
6 that. So we started anew.

7 JUDGE MORAN: I understand. Okay. That makes it  
8 a lot clearer to me.

9 I know Staff is here and has some questions  
10 for you. I'm going to let Mr. Omoniyi state his  
11 questions and then I may have more questions after  
12 that as follow-up.

13 MR. KLEIN: Very good.

14 MR. OMONIYI: Hello. Mr. Klein, do you have a  
15 copy of the application with you?

16 MR. KLEIN: I do.

17 MR. OMONIYI: Okay. Let's start from the first  
18 page, called the General. I think you just heard the  
19 Judge, a question about 2, Paragraph 2, listing the  
20 services that you want authority to be granted.

21 Of all these three, which of them are you  
22 starting first or are you going to start all three of

1       them at the same time?

2               MR. KLEIN:  It's primarily going to be the latter  
3       two, the resale of local and interexchange, as well  
4       as facilities-based local through use of their Nortel  
5       switch.

6               MR. OMONIYI:  Okay.  So you might not be  
7       facility-based interexchange right away?

8               MR. KLEIN:  We might not, but it's possible that  
9       we do.  It depends on the success of our marketing  
10      and what the customers demand.  But at the very  
11      least, it's going to be facilities-based local and  
12      resold local and interexchange.

13              MR. OMONIYI:  Okay.

14              MR. KLEIN:  It depends on the economies of scale.

15              MR. OMONIYI:  Why don't you turn to Page 2,  
16      Paragraph 10.  Okay.  The question there was -- well,  
17      if -- as the Applicant, if you've been denied a  
18      certificate of service or had your certification  
19      revoked or suspended in any jurisdiction in these or  
20      any other name.

21                      The question that I have -- although the  
22      answer that was provided was no -- what about since

1       this application was filed, has there been any  
2       revocation or suspension of the certificate?

3           MR. KLEIN:   Since this application was filed,  
4       have there been any revocations?

5           MR. OMONIYI:  Yes, in any of the jurisdictions  
6       you currently operate.

7           MR. KLEIN:   To my knowledge, no.

8           MR. OMONIYI:  Question -- I mean, Paragraph 11 on  
9       Page 3, the same thing has to do with whether there  
10      have been any complaints or judgments levied against  
11      the Applicant in any other jurisdiction.

12                  Since this application was filed, has there  
13      been any that you know of?

14           MR. KLEIN:   No.   The Applicant is only presently  
15      applying to do business in the state of Illinois.  
16      And because he has not provided service yet and will  
17      not until issuance of the certificate, that would be  
18      impossible.

19           MR. OMONIYI:  Okay.   And I take it that will  
20      probably be the same answer for Paragraph 12?

21           MR. KLEIN:   Yes.

22           MR. OMONIYI:  Okay.

1                   Let me direct your attention to  
2     Paragraph 13.

3           MR. KLEIN:   Well, hold on a second.

4                   I mean, one could interpret that, as I read  
5     it, to apply to North County Communications  
6     Corporation --

7           MR. OMONIYI:   Yes.

8           MR. KLEIN:   -- that had or still maintains a  
9     certificate in Illinois.   And, again, it was granted  
10    the license on April 11, 2001.   And it's maintained  
11    its license and provided service in good standing  
12    since then.

13          MR. OMONIYI:   So North County Communications  
14    Corporation, is that the parent company of --

15          MR. KLEIN:   I would say that they're sister  
16    companies.

17          MR. OMONIYI:   Sister company.   Paragraph 13?

18          MR. KLEIN:   Yes.

19          MR. OMONIYI:   Okay.   I believe the Judge also  
20    asked you about this, the issue of expenses.   Will  
21    you bear any necessary expenses?

22          MR. KLEIN:   Yes, within reason.

1           MR. OMONIYI: Well, what would qualify not to be  
2 out of reason?

3           MR. KLEIN: If you're asking us to make copies of  
4 the records and/or send the existing records over to  
5 you by Federal Express, that's more than reasonable.  
6 If we have to make 500 copies, that might be  
7 unreasonable; but I can't imagine that that would  
8 happen.

9           MR. OMONIYI: Yeah.

10           Let me direct your attention to the issue of  
11 Managerial. It goes to Paragraph 15 where you've  
12 listed Officers of Applicant. Okay. I mean,  
13 Paragraph 16, rather.

14           Does any officer of Applicant have an  
15 ownership or other interest in any other entity which  
16 has provided or is currently providing  
17 telecommunications services? The answer you provided  
18 was yes. Can you describe what you meant by that.

19           MR. KLEIN: Well, North County Communications  
20 Corporation, again, is the sister corporation. It is  
21 different than North County Communications  
22 Corporation of Illinois. They are two separate

1 corporations.

2 MR. OMONIYI: If they're two separate  
3 corporations, is there a corporation that controls  
4 both corporations?

5 MR. KLEIN: Not to my knowledge.

6 MR. OMONIYI: Okay.

7 MR. KLEIN: Again, they're sister corporations.

8 MR. OMONIYI: So the decision would probably be  
9 different or separate?

10 MR. KLEIN: I'm sorry?

11 MR. OMONIYI: Any decision affecting the  
12 corporation as it exists, you know, NCC of Illinois,  
13 will not be the same as North County Communications  
14 Corporation?

15 MR. KLEIN: I'm sorry. I'm not following the  
16 question.

17 MR. OMONIYI: Okay. I guess my question is  
18 assuming -- we need something in Illinois or  
19 something has to be done that affect both  
20 corporations. How do we separate the decision of  
21 both corporations?

22 Is there a defining line between North

1 County Communications Corporation and North County  
2 Corporation of Illinois?

3 MR. KLEIN: They're two separate companies. Each  
4 one has a separate -- following this proceeding, we  
5 hope that our application will be granted; each one  
6 will have a separate certificate.

7 Again, the intention of Mr. Lesser was for  
8 each company -- well, each state that he operates in,  
9 to have a separate company that would own the  
10 certificate.

11 So that's why first, again, as I stated  
12 before with the Judge, the intention was to transfer  
13 the existing certificate from North County  
14 Communications Corporation to North County  
15 Communications Corporation of Illinois.

16 That application was denied or we were told  
17 that it would be denied. So we withdrew the  
18 application and filed the present application anew.

19 JUDGE MORAN: Maybe I can clear this up. Maybe  
20 what Mr. Omoniyi needs to know is what is the  
21 interest of Applicant in the -- what is the interest  
22 of Mr. Lesser in the other company?

1           MR. KLEIN:   It's the same.

2           JUDGE MORAN:   It's the same.   He's an officer in  
3 both?

4           MR. KLEIN:   Right.   Again, the intention is just  
5 to have a separate -- each state that he operates in  
6 will be a separate company.   It's otherwise the same.

7           JUDGE MORAN:   Okay.

8           MR. KLEIN:   He has the same interest in NCC as he  
9 does in NCC of Illinois.

10          MR. OMONIYI:   Paragraph 19, let me direct you to  
11 Paragraph 19.   In there the issue is the regular  
12 working hours of the company.

13                  What are the regular working hours of this  
14 company?   What do you intend to have as regular  
15 working hours?

16          MR. KLEIN:   9:00 to 5:30.

17          MR. OMONIYI:   All right.   Okay.   If you turn to  
18 the next page, which is Paragraph 21, the issue in  
19 Paragraph 21 is slamming and cramming laws; how to  
20 avoid it, how to comply with it.

21                  My question is, have you ever had any  
22 slamming or cramming incident in any jurisdiction?



1           MR. KLEIN:   No.

2           MR. OMONIYI:   Paragraph 24, the issue is the  
3   filing of tariffs prior to providing service in  
4   Illinois.

5                       Are you filing any right now?

6           MR. KLEIN:   Not yet.   We're waiting approval  
7   prior to filing tariffs.   And we are prepared to do  
8   so.

9           MR. OMONIYI:   Okay.   If you go to the Appendix A,  
10   there's no number on it, which is Standard Questions  
11   for Applicant Seeking Local Exchange Service  
12   Authority, Appendix A.

13          MR. KLEIN:   Yes.

14          MR. OMONIYI:   Okay.   Let me direct you to  
15   Paragraph 6.   The question for Paragraph 6 is, Who  
16   would provide customer repair service for your  
17   company?

18                       Okay.   The answer that you provided is, The  
19   ILECs that North County would contract with would  
20   provide customer repair services.   Can you explain a  
21   little bit better?

22          MR. KLEIN:   Yes.   The primary ILEC will be

1       Verizon. And any and all customer repair service  
2       will, at least initially, be provided by them by and  
3       through the terms of our interconnection agreement  
4       with Verizon.

5               MR. OMONIYI: So you will be operating in Verizon  
6       territory?

7               MR. KLEIN: Yes.

8               MR. OMONIYI: I see.

9               MR. KLEIN: The Applicant has no intention of  
10      providing service in the rural service areas; but,  
11      otherwise, the rest of the state.

12              MR. OMONIYI: Okay. Let me direct your attention  
13      to Paragraph 16, which is the second page of that.

14              MR. KLEIN: Yes.

15              MR. OMONIYI: Okay. The question was, How does  
16      your company plan to solicit customers once it begins  
17      to provide local service? Then you listed a host of  
18      them. Okay.

19                      Now, one of the questions I have is, how  
20      would any of this matter prevent slamming? How do  
21      you intend to prevent slamming using any of these  
22      methods?

1           MR. KLEIN: Well, again, the primary methods are  
2 going to be email and direct mailing marketing. And  
3 that's going to hopefully generate interest so that a  
4 call will be made to North County to inquire about  
5 service.

6           And in the event that they're interested,  
7 the consumer will not become a customer or  
8 transferred either from their local or long-distance  
9 provider without the consumer filling out a letter of  
10 authorization to do so.

11          MR. OMONIYI: And Paragraph 18, the last question  
12 there, Have any complaints or judgments been levied  
13 against the company? You said, No.

14           I'm taking it that the answer that was  
15 provided was at the time the application was  
16 submitted. Ever since the application has been  
17 filed, has there been any complaints or judgments  
18 against the company?

19          MR. KLEIN: No.

20          MR. OMONIYI: Let me direct you to Appendix B,  
21 which is 911 Questions. Paragraph 1, okay, is my  
22 area of interest.

1                   It says, Will your company ensure that 911  
2    traffic is handled in accordance with the 83 Illinois  
3    Administrative Code Part 725 and the Emergency  
4    Telephone System Act? Your answer was you would  
5    ensure that 911 is handled in accordance with the  
6    code.

7                   Do you have anything in place right now, any  
8    type of agreement with a 911 provider since -- that  
9    you can tell us?

10                  MR. KLEIN: There is nothing in place yet.  
11                   Again, everything is pending approval here. But  
12                   there have been some discussions with the 911  
13                   providers, as well as Verizon, to discuss addressing  
14                   this issue.

15                  MR. OMONIYI: So it's likely you're going to be  
16                   outsourcing your 911 service?

17                  MR. KLEIN: Yes, sir.

18                  MR. OMONIYI: Okay. In Paragraph 4, under 911,  
19                   the question was, Who will be responsible for  
20                   building and maintaining the 911 database for your  
21                   local exchange customers?

22                   The answer you provided was that the ILECs

1       that North County contracts with will be responsible  
2       for building and maintaining the database.

3               My concern is, well, what would be your role  
4       in developing the 911 database?

5               MR. KLEIN: Well, our role would be to apprise  
6       the ILECs that we work with -- and principally  
7       Verizon -- of our customers, tell them about their  
8       911 needs, and discuss this with them and the other  
9       911 providers to make sure that they're covered.

10              MR. OMONIYI: What about the issue of updates,  
11      how do you intend to work with Verizon?

12              MR. KLEIN: To update them?

13              MR. OMONIYI: Yes.

14              MR. KLEIN: When we learn of a customer change of  
15      any nature, we're going to notify them in a timely  
16      basis so that they're covered.

17              MR. OMONIYI: What would qualify for a timely  
18      basis? Are you going to be doing it every week,  
19      biweekly, or monthly to upgrade the database?

20              MR. KLEIN: It would be monthly.

21              MR. OMONIYI: So you will be -- if I'm hearing  
22      you correctly, you will have accumulated a lot of

1 customers for a whole month before the database is  
2 upgraded?

3 MR. KLEIN: I'm sorry. I wasn't following that  
4 question.

5 MR. OMONIYI: What I'm saying is that you will  
6 have -- let's assume for a whole month you have  
7 customers, you will have accumulated customers for a  
8 whole month before you upgrade or update your 911  
9 database. Is that what I'm hearing?

10 MR. KLEIN: Sorry. Again, I can't follow the  
11 question.

12 Judge, could you reiterate it for me,  
13 please.

14 JUDGE MORAN: Yes. Is it a concern? Mr. Omoniyi  
15 is stating a concern of the monthly update.

16 MR. OMONIYI: Update.

17 MR. KLEIN: That it's not frequent enough?

18 JUDGE MORAN: Yes.

19 MR. OMONIYI: It isn't.

20 MR. KLEIN: If you tell us of a time frame that  
21 is more frequent enough, I will communicate it to the  
22 Applicant and make sure that it's addressed.

1 JUDGE MORAN: What is Staff proposing?

2 MR. OMONIYI: The standard practice is the moment  
3 you get a customer, the moment a customer signs the  
4 authorization and it's switched to your system, that  
5 customer must be listed in your 911 database;  
6 otherwise, it won't be able to find that customer.

7 MR. KLEIN: No. That, we will do. I thought you  
8 were talking about checking with the customers on a  
9 frequent basis to see if anything had changed. I  
10 misunderstood you.

11 JUDGE MORAN: So, in other words, you are putting  
12 in the customers for the 911 database pretty much  
13 automatically?

14 MR. KLEIN: Right. Upon a switchover to our  
15 service, that will be part of the procedure.

16 MR. OMONIYI: Okay. I think the last question  
17 that I have is on your financial questions, which is  
18 Paragraph 8.

19 The question was whether -- does Applicant  
20 agree that the requested waiver of Part 710 would not  
21 excuse it from compliance with future Commission  
22 rules or amendments to Part 710 otherwise applicable

1 to the company?

2 The answer that was provided was, Not  
3 applicable. Okay. Can you explain why this is not  
4 applicable?

5 MR. KLEIN: All right. If you could, give me a  
6 second to just read this whole page.

7 JUDGE MORAN: I would make an observation here  
8 that I don't think the Applicant has asked for a  
9 waiver of 710. In fact, that was my first concern;  
10 that there seemed to be no request for waivers.

11 And since this question goes to a waiver  
12 that has not been requested, I'm assuming then that  
13 the uniform system of accounts are going to be  
14 followed.

15 MR. OMONIYI: Yes, that's right.

16 JUDGE MORAN: And maybe that is more your  
17 question, Mr. Omoniyi?

18 MR. OMONIYI: Yes.

19 MR. KLEIN: I say no, we're not requesting a  
20 waiver, in which case this wouldn't apply.

21 MR. OMONIYI: All right. That's all I have.

22 MR. KLEIN: Thank you.



1 JUDGE MORAN: I have a few questions for  
2 Mr. Omoniyi.

3 Have you reviewed all the -- the full of  
4 this application with appendices, the membership  
5 application and all the exhibits?

6 MR. OMONIYI: Yes.

7 JUDGE MORAN: Do you have any sort of  
8 recommendation that you can put out in terms of the  
9 managerial competence for this particular company to  
10 get certification?

11 MR. OMONIYI: Looking at the biographic  
12 information provided, for the officers, I think  
13 managerial-wise, I think the company is qualified.

14 They have enough people who are competent  
15 that could run the operation. And I don't have any  
16 negative opinion about the managerial skills.

17 JUDGE MORAN: Okay. What about the technical  
18 expertise that it takes to provide these services, do  
19 you see anything in these documents that would  
20 support that?

21 MR. OMONIYI: Yes. I noted a couple of the  
22 officials and a couple of the hardware they intend to

1 use. And, also, the fact that -- well, a number of  
2 these officials are proficient in operating and  
3 interconnecting and networking those hardware. I  
4 think they should be able to provide a competent  
5 operation.

6 JUDGE MORAN: The third question is the financial  
7 means to support the requested operations for a  
8 certificate. Can you tell me, Mr. Omoniyi, what your  
9 review shows on that.

10 MR. OMONIYI: Yes. I looked at the balance sheet  
11 of the corporation as of September 2nd, 2007. They  
12 show good current assets and fixed assets as far as  
13 assets is concerned, and, also, the liabilities in  
14 terms of accounts payable and total current  
15 liability.

16 I think the equity of the corporation looks  
17 good. There shouldn't be any problem judging by the  
18 projected income statement as well for the year one,  
19 two, three -- I think they have a three-year  
20 projection -- it looks to me like that should support  
21 about 4,000 phone lines, which they have projected by  
22 the second year, and 6,000 phone lines by the third

1       year. That appears to be reasonable.

2               JUDGE MORAN: Okay. There were a lot of  
3       questions that both you have asked and that are asked  
4       in the application regarding federal and state laws  
5       and, particularly, slamming and cramming.

6               Do you believe that the application and what  
7       you've heard today satisfies you in those terms, that  
8       those activities will not be engaged in?

9               MR. OMONIYI: I can -- taking the corporation at  
10      its words and the answers provided both in writing  
11      and orally today -- I'm referring specifically to  
12      Paragraph 21, which they promised that they will  
13      comply with both state and federal slamming and  
14      cramming laws -- if they comply with them, that would  
15      be great.

16              I think that they should and they could.  
17      And unless anything develops later on when they do go  
18      into operation, if there is an incident of slamming  
19      and cramming, I think the Commission has in place  
20      remedial measures that it could take to correct the  
21      situation.

22              JUDGE MORAN: Okay. This seems to be a very

1 unique case in the fact that North County  
2 Communications Corporation, as I understand it,  
3 already has a certificate. And now we're trying to  
4 get a certificate for North County Communications  
5 Corporation of Illinois, which is the sister company.

6 I've heard today that the same officer or  
7 president is the same for both corporations, which  
8 makes this question most pertinent to me.

9 And that is, is North County Communications  
10 Corporation, which still holds a certificate here, in  
11 good standing?

12 MR. OMONIYI: Yes.

13 JUDGE MORAN: Is that certificate in good  
14 standing?

15 MR. OMONIYI: Yes, it is.

16 JUDGE MORAN: Because that, to me, will reflect  
17 certainly on this certificate.

18 Thank you, Mr. Omoniyi. I'm going to ask  
19 you for a recommendation on this matter.

20 MR. OMONIYI: I would recommend that the  
21 application be approved and hope that the company  
22 will eventually comply with all the promises it has

1       made.   And we'll keep an eye on that.

2               JUDGE MORAN:   Okay.   And you were satisfied with  
3   all the materials that you have reviewed?

4               MR. OMONIYI:   Yes.

5               JUDGE MORAN:   And they were complete enough for  
6   your review?

7               MR. OMONIYI:   Yes.

8               JUDGE MORAN:   Thank you.

9               Mr. Klein, are you still there?

10              MR. KLEIN:   Yes.   I am.   Trying to behave myself  
11   over here.

12              JUDGE MORAN:   Very good.   Is there anything you  
13   wish to say in support of this application?

14              MR. KLEIN:   Other than what we've submitted and  
15   what we've covered today, I'd like to reiterate that  
16   this is the one of the few longstanding CLECs in a  
17   very competitive marketplace and up against some very  
18   strong ILECs and, I would say, lobbying with the  
19   federal government and with the states.

20              And he's managed through his company to  
21   survive and to thrive.   And I think it would be a  
22   very good addition and option for the residents of

1       the state of Illinois to grant his application -- or  
2       their application, I should say, for local, long  
3       distance, resold, and facilities-based authority.

4               JUDGE MORAN:   Okay.   Thank you, Mr. Klein.

5               I believe I'm going to mark this record  
6       heard and taken.   Everything seems sufficient for me  
7       to prepare an order for the Commission.   Thank you.  
8       And that's it.

9               MR. OMONIYI:   Thanks.

10              MR. KLEIN:   Thank you, your Honor.

11                       (HEARD AND TAKEN.)

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